

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

RACHAEL ANN ELIAS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 1:07-cv-947
)	
BAYER CORPORATION,)	
)	
Defendant.)	

ORDER

This order comes upon consideration of Defendant Bayer Corporation's Motion to Dismiss (Dkt. no. 6). For the reasons stated from the bench and in accord with specific rulings thereto, it is hereby

ORDERED that Defendant's Motion to Dismiss is GRANTED and the Complaint as to the Defendant Bayer is DISMISSED without prejudice. It is further,

ORDERED that the Plaintiff is granted leave to file an amended complaint. Any amended complaint submitted by the Plaintiff must be filed by November 30 at 5:00pm. The Plaintiff should remain mindful of the requirements of the Federal Rules of Civil Procedure 9 and 11. If Plaintiff files an amended complaint and the Court finds that it fails under Rule 12(b), the Court may impose sanctions for violation of these rules. In addition, Defendant shall file any responsive pleading within ten (10) days following the filing of an amended complaint. Further, it is

ORDERED that the Defendant's right to file a motion to dismiss on the grounds of the statute of limitations has been preserved.

ENTERED this 16th day of November, 2007.

/s/
Liam O'Grady
United States District Judge

Alexandria, Virginia